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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,105	05/24/2000	EDILIO LIVIO ALPINI	3918ELA-1	9265
22442	7590	12/19/2003	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			SALVATORE, LYNDIA	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/555,105	Applicant(s) ALPINI, EDILIO LIVIO	
	Examiner Lynda M Salvatore	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9, 11, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) 4-6, 8, 10 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/12/03 has been entered.

Response to Amendment

2. Applicant's amendment and accompanying remarks, filed 11/12/03 have been fully considered and entered. Claims 1 and 3 have been amended, and new claim 14 has been added. Applicant's amendment to the specification is found sufficient to overcome the objection set forth in section 4 of the last Office Action. As such, this objection is withdrawn. Applicant's amendments to claims 1 and 3 are found sufficient to overcome the 35 U.S.C. 112, first and second paragraph rejections set forth in sections 6-10 of the last Office Action. As such, this rejection is withdrawn. Applicant's remarks regarding the claims rejected over Banks, US '922, as set forth in sections 11-15 of the last Office Action has been found persuasive. The Examiner acknowledges that Applicant's claim for foreign priority has been made and perfected. Accordingly, since Applicant's foreign priority date antedates the 35 U.S.C. 102 (e) date of Banks '922 the rejections of claims 1-3 and 7-10 under 35 U.S.C. 102 (e) as being anticipated by Banks, '922 and the rejections of claims 4-6 and 11-12 under 35 U.S.C. 103(a) as being unpatentable over Banks '922, are hereby withdrawn. Despite this advance, however, Applicant's amendments are not found to patentably distinguish the claims over the prior art of

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Banks '536. Moreover, Applicant's arguments regarding Banks '536 are not persuasive of patentability and a new ground (s) of rejection in view of Banks '536 is set forth herein below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1,3,7,9 and 14 are rejected under 35 U.S.C. 102 (e) as being anticipated by Banks, US 5,715,536

Applicant amended claim 1 to recite, "an electronic circuit interconnected through a conductor" and wherein said electronic circuit is operable to "substantially completely" dispel an electromagnetic signal "coming from" said garment. In claim 3, Applicant deleted the word "cross-linked" and recites that the "conductive filament material is arranged in a perpendicular orientation" Applicant asserts that Banks fails to teach an electronic circuit operable to dispel an electromagnetic signal. This argument is not found persuasive on the grounds that it is the position of the Examiner that Applicant's arguments are not commensurate in scope with the

instant claims. With specific regard to claim 1, the Applicant is claiming a fabric and an electronic circuit, rather than setting forth what comprises the electronic circuit or relationship/orientation of the electronic circuit with respect to the fabric. It is suggested that the Applicant add limitations, which further define the electronic circuit and connector (i.e., cord) as well as the relationship/orientation of said circuit (i.e., supported on fabric surface) to the fabric. Without such limitations, it is the position of the Examiner that the patent issued to Banks meets the limitations of the above aforementioned claims. Banks discloses a static electricity garment comprising a woven carbon fiber fabric and electrically conductive ribbon which is designed to edge the seams of the garment extending from the cuff to the sleeve section and down the underarm and then upward within the arm seam, across the collar (Abstract). The strands within the conductive fabric and ribbon are spaced apart and woven in a crisscross pattern (Column 2, 65- Column 3, 10). With regard to the electronic circuit limitation, Banks further teaches mounting an electrical connector on the side seam of the garment to establish a positive electrical connection (Column 3, 55-60). Said electrical connector is further connected to a socket, which is attached electrical wire and terminates into a plug connector (Column 3, 63-Column 4, 10 and Figure 1). The wire comprising the plug connector is further connected to an exterior grounding connector for the purpose of dispelling accumulated static electricity (Column 4, 5-10). Banks teaches that the garment may be manufactured into a paint suit or other type of over-garment (Figure 1 and Column 1, 40).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks, US 5,715,536 as applied to claim 1 above.

With regard to claim 2, Banks does not specifically teach a knitted fabric, however, it would be obvious to someone having ordinary skill in the art to knit the carbon fiber filaments to form the static electricity fabric since knits are well known alternatives to woven fabrics and provide stretch and comfort to garments.

With regard to claims 9 and 11, Banks does not specifically forming hat from the static electricity fabric, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form various apparel articles from the static electricity fabric in order to expand the number of applications.

With regard to claim 12, it would have been obvious to one having ordinary skill in the art at the time the invention was made to position the electronic circuit inside the hat as matter of aesthetics.

Allowable Subject Matter

7. Claims 4-6, 8, 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims. Specifically, the prior art of Banks fails to teach or fairly suggest an electronic circuit, which is a parallel resonator at a predetermined cutting frequency and predetermined resonance frequency, consisting of the connection in parallel of an inductance, a first and second capacitance decoupled by a diode, and a resistance. Banks fails to teach or fairly suggest a microammeter connected to the electronic circuit, which displays the intensity of the electromagnetic field absorbed by the garment. Banks further fails to teach or suggest a housing to hold objects, the microammeter and electronic circuit. An updated art search did not produce any new substantial art for which to base a rejection on and presently no motivation exists to combine references to form an obvious type rejection.

Conclusion

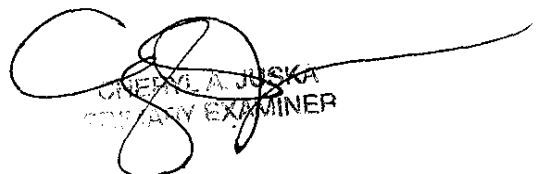
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

December 11, 2003

ls 


CHERYL A. JUSKA
PRIMARY EXAMINER